

No. 06-4100

La Plata R-II School District; Michele Travis, individually and as School Board President for the school year 2003-2004 and as Treasurer for the year 2002-2003; William Thompson, individually and as School Board President for School year 2002-2003; Carl Hagar, individually and as School Board Member for school year 2002-2003 and 2003-2004; Richard Burns, individually and as School Board member for school year 2002-2003 and 2003-2004; Becky Furman, individually and as School Board member for school year 2002-2003 and 2003-2004; Randy L. Baker, individually and as School Board

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[UNPUBLISHED]

member for school year 2002-2003	*
and 2003-2004; Michael Kimmel,	*
individually and as School Board	*
member for school year 2002-2003	*
and 2003-2004; Richard Forcum,	*
individually and as Superintendent	*
of La Plata R-II School District;	*
Steve Davis, individually and as	*
Principal of La Plata High School;	*
City of La Plata, Missouri, a	*
Fourth Class City; Ray Ivy,	*
individually and as City Administrator	*
for the City of La Plata; Jim Woolfolk,	*
individually and as Officer and as	*
Defacto City Marshall for the City	*
of La Plata, Missouri; United States	*
of America, Department of Education;	*
U.S. Department of Education, Office	*
for Civil Rights; Roderick R. Paige,	*
individually and as Secretary of the	*
U.S. Department of Education, Office	*
of the Secretary; Gerald Reynolds,	*
individually and as Assistant	*
Secretary Office for Civil Rights, U. S.	*
Department of Education; Angela M.	*
Bennett, individually and as Director	*
of Kansas City Enforcement Office,	*
Office for Civil Rights, U.S.	*
Department of Education, Region VII;	*
Mary Cohen, individually and as	*
Regional Representative for Region VII	*
of U.S. Department of Education;	*
Tony E. Swetnam, individually and as	*
Acting Associate Director and	*
Acting Deputy Assistant Secretary for	*
Enforcement, Office for Civil Rights,	*
U.S. Department of Education;	*

John Doe, #1, individually and as  
Employee of U.S. Department of  
Education; Gaye Martin,  
individually and as Chief Investigator  
of Region VII of Office for Civil  
Rights, U. S. Department of  
Education; Michael B. Hamilton,  
individually and as Associate Director,  
Region VII of Office for Civil Rights,  
U.S. Department of Education; John  
Doe, #2, individually and as  
Employee of Office for Civil Rights,  
U.S. Department of Education; Lyndel  
R. Whittle,

Appellees,

Beckey Bunch, individually and as  
Treasurer of the School Board for  
school year 2003-2004,

Defendant.

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Submitted: November 26, 2007  
Filed: December 7, 2007

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Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

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PER CURIAM.

Todd McClaskey appeals the district court's<sup>1</sup> November 7, 2006 order granting a motion to enforce a settlement agreement and dismissing with prejudice his claims against the La Plata R-11 School District, its School Board, and certain school board members and school administrators (School Defendants) arising out of his allegations that his constitutional rights were violated when he attempted to speak out at school board meetings regarding alleged racial harassment of his daughter at school. In prior orders, the district court had disposed of McClaskey's claims against the United States Department of Education and various federal officers (Federal Defendants), and the City of LaPlata and one of its police officers (City Defendants).

We note that McClaskey's notice of appeal specifically designated only the district court's November 7 order enforcing the settlement agreement and dismissing the claims against the School Defendants, and we therefore conclude that we lack jurisdiction to review the district court's prior orders. See Fed. R. App. P. 3(c)(1)(B); Berdella v. Delo, 972 F.2d 204, 207-08 (8th Cir. 1992). Accordingly, we dismiss from this appeal all of the Federal Defendants and the City Defendants to the extent they have continued to participate in the litigation.

The settlement agreement at issue was negotiated by McClaskey and several of the School Defendants with the assistance of a court-appointed mediator, and it was reduced to writing and signed by McClaskey and all of the School Defendants. The district court determined that a binding settlement agreement existed between McClaskey and all of the School Defendants, notwithstanding the fact that some of the School Defendants signed the agreement after the mediation deadline had expired. Upon review, we conclude that the district court's determination was not clearly erroneous. See Chaganti & Assocs. v. Nowotny, 470 F.3d 1215, 1221 (8th Cir. 2006) (clear error standard of review; setting forth essential elements of valid settlement

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<sup>1</sup>The Honorable Audrey G. Fleissig, United States Magistrate Judge for the Eastern District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

agreement under Missouri law), cert. denied, 127 S. Ct. 2977 (2007). Accordingly, the district court's November 7 order is affirmed, the judgment is affirmed, and all pending motions are denied.

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